

**Local Government and Communities Committee**  
**No Recourse to Public Funds (NRPF)**  
**Scottish Refugee Council**

Key recommendations

- The No Recourse to Public Funds (NRPF) regime is a form of UK State hostility to migrants, it exerts needless and at times severe harm on at least over 2million people in the UK, and the regime should at worst be substantially revised and curtailed and at best, completely scrapped.
- Scottish Ministers, CoSLA and local government and the refugee, migrant and housing rights sectors should continue and accelerate a dual strategy against NRPF:  
(a) deliver a funded and practical Scottish anti-destitution strategy, to be implemented from 2021, by public and third sectors and experts-by experience and  
(b) campaign relentlessly and collectively with fellow devolved government and local government and third sectors across the UK, to change and ideally end NRPF.
- That this Committee pick up the baton from the Equalities and Human Rights Committee's pioneering Hidden Lives New Beginnings inquiry report, and initiate its own Inquiry into NRPF as it affects Scotland and how it can overcome at the UK level. The need for such an Inquiry is great, stemming from Covid-19 and the public health and economic crises that are now ensuing.

1. Scottish Refugee Council supports women, men and children subject to the UK Government's No Recourse to Public Funds (NRPF) regime, in its Immigration Rules. The bulk of this work has been to assist people seeking, granted and refused refugee protection.
2. SRC regards the NRPF regime as a form of *UK State-hostility to migrants*. We recognise that reads as a pejorative statement. Therefore, it is important that we explain why we hold this view as we do not make the comment lightly, rather we offer it as we think the sheer breadth and severity of NRPF on people justifies describing and framing in this way.
3. First, the NRPF system derives from a *legal power – not a duty – available to the Home Secretary*<sup>1</sup>, via s3 Immigration Act 1971. That the UK Parliament did not stipulate it as a requirement that those granted limited to enter or remain in the UK must be subject to NRPF, rather they merely give the State a discretionary power to do so.
4. Second, since 2012 and the “hostile environment” in particular, *NRPF conditions are routinely placed, on most migrants’ leave to remain*. In other words, it has become an institutional practice. Those put in that regime have to fight hard, often through quasi- or fully- legal processes to get out of it and have their NRPF conditions lifted, but for those with no leave to remain, then it is very difficult to access the few limited statutory entitlements such as for

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<sup>1</sup> <https://www.freemovement.org.uk/what-is-the-no-recourse-to-public-funds-condition/>

vulnerable adults or families with children. Frequently, the best many can hope for in practice is charitable support.

5. Third, it is *deeply hypocritical and unfair*: for those with NRPF conditions on their leave, their only source of income is work, and if they lose that, then there is little to no social safety net. So despite contributing to the public revenues through income tax and NI, they find there is no effective social security for them and any dependents, which is unfair and creates risks to safety and wellbeing.
6. Fourth, it is *intended to exert control and make life more difficult than it needs or should be* for people simply wishing to contribute – often through work – in their local towns, cities and communities. The UK State intention is normally explained with arguments that those subject to NRPF are such so as not to be a “burden on the taxpayer” and to “promote integration”<sup>2</sup>. The former lacks credibility as migrants’ employment rates, especially since 2006 to date, are relatively high in volume and % terms vis-a-vis UK-born workers<sup>3</sup>. The second is illogical, as reducing access via NRPF increases isolation not integration.
7. Fifth, it is *discriminatory*, as by its nature it disproportionately harms persons of non-UK nationality (so ethnic minorities in a UK context) as well as exerts particularly disproportionate and adverse impacts on migrant families<sup>4</sup> especially upon women and children, in reflection that it is normally women who are the primary and sometimes only care-giver for their children<sup>5</sup>.
8. Finally, whilst NRPF is a not general prohibition on public funds<sup>6</sup> – a fact to be noted and reassure those in devolved governments and public authorities generally, minded to fund work against NRPF – but it does still prohibit access to critical social protections<sup>7</sup>, notably homelessness assistance, social security and crisis provision, such as the Scottish Welfare Fund. This means the *effects of being subject to NRPF are not trivial but severe*, and lead to precarious lives, acute risks of domestic abuse<sup>8</sup> or exploitation and mental health problems.
9. This unfairness, harm, risk, discriminatory impact and the sheer severity of NRPF, stem from an institutional and we think especially since 2012, an ideologically-motivated use of this discretionary power. As it is only in the UK State’s gift to apply this power, knowing what it does to people, then imposing

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<sup>2</sup> Part 5A of the Nationality, Immigration and Asylum Act 2002. [Section 117B\(3\)](#)

<sup>3</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/characteristics-%20and-outcomes-of-migrants-in-the-uk-labour-market/>

<sup>4</sup> <https://www.childrensociety.org.uk/sites/default/files/2020-10/a-lifeline-for-all-summary.pdf>

<sup>5</sup> <https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+->

[the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf](https://static1.squarespace.com/static/590060b0893fc01f949b1c8a/t/5d0bb6100099f70001faad9c/1561048725178/Access+Denied+-the+cost+of+the+No+Recourse+to+Public+Funds+policy.+The+Unity+Project.+June+2019.pdf)

<sup>6</sup> p19 <https://www.homeless.org.uk/sites/default/files/site-attachments/JRF%20support-destitute-migrants-full.pdf>

<sup>7</sup> <http://www.migrationscotland.org.uk/migrants-rights-entitlements/public-funds-immigration-purposes>

<sup>8</sup> <https://www.holyrood.com/inside-politics/view,nowhere-to-go-how-no-recourse-to-public-funds-is-leaving-vulnerable-women-without-support>

it is a conscious act by the UK State in the full knowledge that it may and often does render people's lives far more precarious and difficult. This is unnerving as it is a consciously harmful and severe act by the Home Office on behalf of the UK State, to put migrants at far greater risk of insecurity and precariousness existence.

10. The Home Office refuse<sup>9</sup> to publish either evidence or statistics to support the effectiveness of NRPf or enable understanding and analysis of its full reach in UK society. However, it is estimated that 1.4million<sup>10</sup> people are likely to have NRPf conditions on their visa and leave to remain, across the UK. For the especially vulnerable group of undocumented migrants subject to NRPf, recent research estimates there may be up to 745,000 in the UK. Therefore, it is likely that there are at least 2million+ across the UK who are trapped in different ways under a NRPf regime that prohibits access to the most basic rights of public homelessness assistance, social security and crisis support and emergency payments.
11. **Our conviction is that it really does not need to be like this and, at the very least, there needs to a critical review of NRPf towards either ending it altogether and / or replacing it with a scheme on access to public funds that is evidenced and targeted and not over-extensive or so intrusive into the lives of those subject to the NRPf system. In other words, there should be nothing inevitable about NRPf, and something does need to change**, particularly as the Covid-19-induced recessions<sup>11</sup> will leave many<sup>12</sup> with NRPf conditions destitute, if and when they lose their jobs or have hours cut.
12. We welcome the Scottish government's<sup>13</sup> and CoSLA's<sup>14</sup> increasingly vocal and sustained opposition to NRPf and we urge them to join forces with fellow devolved and local governments across the UK, together with migrant, refugee and housing rights bodies, to campaign relentlessly in the post-Covid recovery for an end to NRPf and a different system of support for migrants within communities, to be instituted. The alternative does not bear thinking of a perfect storm of a public health crisis and economic recession that evidence

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<sup>9</sup> <https://www.independent.co.uk/news/uk/home-news/home-office-watchdog-immigration-policy-uk-statistics-a9581091.html>

<sup>10</sup> <https://www.independent.co.uk/news/uk/home-news/bame-no-recourse-public-funds-poverty-survey-nrpf-a9586776.html>; <https://migrationobservatory.ox.ac.uk/resources/commentaries/between-a-rock-and-a-hard-place-the-covid-19-crisis-and-migrants-with-no-recourse-to-public-funds-nrpf/>; and

<sup>11</sup> <https://voxeu.org/article/large-and-unequal-impact-covid-19-workers>; and <https://www.coronavirusandtheeconomy.com/question/how-will-coronavirus-and-recession-affect-uk-immigration>

<sup>12</sup> <https://www.ippr.org/blog/migrant-workers-and-coronavirus>

<sup>13</sup> <https://www.gov.scot/news/helping-those-with-no-access-to-public-funds/>; and pp41-43 <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/10/ending-homelessness-together-updated-action-plan-september-2020/documents/ending-homelessness-together-updated-action-plan-october-2020/ending-homelessness-together-updated-action-plan-october-2020/govscot%3Adocument/ending-homelessness-together-updated-action-plan-october-2020.pdf>

<sup>14</sup> <https://www.cosla.gov.uk/news/april-2020/scottish-local-government-joins-call-for-change-to-immigration-rules-to-help-vulnerable-migrants>

already confirms is hitting those in the poorest and most densely population communities hardest to the point of Covid-19 deaths<sup>15</sup>.

13. Many migrants as part of wider BAME groups in such communities – so including those seeking asylum who are routinely moved into areas of multiple deprivation – are right now being left by the Home Office and the NRPF regime at a particularly dangerous intersection, with - for example - 3,000 refused asylum across the UK<sup>16</sup> (and approximately 300 in Glasgow<sup>17</sup>) potentially subject to evictions into homelessness between now and Christmas, in the midst of an escalating pandemic which we as a country are now being told is on a trajectory to surpass even lockdown level Covid-19 hospitalisations and is already significantly above lockdown prevalence, partly but not only due to increased community testing. **We urge the Committee to make the strongest possible representations to the Home Office to desist from the grossly irresponsible and frankly dangerous plan to evict refused asylum seekers into street homelessness in a pandemic, risking their lives and safety as well as undermining local public health stabilisation and recovery plans.**
14. The Home Office are frequently made acutely aware of the harm its NRPF regime generally and decisions it in, like asylum evictions and homelessness - exert on those subject to it. They are also well aware of the impacts and the escalating and serious concerns, which we share, held by devolved governments and local authorities of the systemic, irresponsible and we think unsustainable displacement of responsibilities and costs from Whitehall departments like the Home Office onto the rest of the UK. It is frequently these devolved governments, councils and third sector services that have to step in, sometimes effectively and collaboratively, sometimes not especially if “gatekeeping” happens.
15. But the underlying point is that those least well-equipped locally are still having to step into the vacuum left by the Home Office and sister Whitehall departments, due to their centralised and rigid NRPF regime. Despite all these adverse effects on the people and the local areas, the UK State, via its Home Office, persists in defending NPPF, even including through our higher Courts<sup>18</sup>. It is depressingly instructive that this persistence is extending even throughout the unprecedented Covid-19 public health pandemic that has engulfed the UK and the wider world since the start of 2020.

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<sup>15</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/908434/Disparities\\_in\\_the\\_risk\\_and\\_outcomes\\_of\\_COVID\\_August\\_2020\\_update.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/908434/Disparities_in_the_risk_and_outcomes_of_COVID_August_2020_update.pdf); and <https://www.theguardian.com/world/2020/sep/05/covid-19-could-be-endemic-in-deprived-parts-of-england>

<sup>16</sup> <https://www.theguardian.com/uk-news/2020/sep/19/home-office-plans-to-evict-thousands-of-refused-asylum-seekers>; and <https://www.theguardian.com/uk-news/2020/oct/07/home-office-urged-to-halt-evictions-of-refused-asylum-seekers>

<sup>17</sup> <https://twitter.com/JenLaydenSNP/status/1313126616386670592/photo/1> and Scottish Refugee Council’s letter on the early warning on the risk of evictions restarting at [https://www.parliament.scot/S5\\_Local\\_Gov/20200529SFctoconvener.pdf](https://www.parliament.scot/S5_Local_Gov/20200529SFctoconvener.pdf)

<sup>18</sup> <https://ukhumanrightsblog.com/2020/06/03/the-law-of-humanity-home-office-no-recourse-to-public-funds-policy-ruled-unlawful/>

16. The term, NRPF, also diverts us from what it is actually suffered as. Routine use of technical terms like NRPF, rather than starting with its real human impacts as UK State-induced harm or violence, silences lived experience. We say this not as a criticism of those that use the term – like this Committee or ourselves – for the obvious and sensible purposes of being clear about what is the subject of inquiry. Rather, it is to make the point that, without centring lived experience in our learning - as our friends at Just Right Scotland did in their response to this Committee - we cannot understand from a policy, never mind a moral perspective, why this NRPF regime is such an urgent political issue that needs through collective action by public and third sectors and communities in the UK, to be resolved soon.
17. **NRPF is a UK State hostility to many migrants in this country and for some it feels like violence. People classed as migrants in the UK, as we know, contribute so much socially, economically and culturally to Scotland and the rest of the UK. For people to be subject to such a draconian and harmful and dangerous system is unacceptable and, we hope, in the Covid-19 phase and recovery, it is untenable also. We recommend an urgent review of NRPF and that it is ended entirely. We urge this Committee to lend its weight to that call and furthermore for the Scottish Government, CoSLA and the refugee and housing rights third sectors and those with lived experience to collaborate with partners across the UK so that NRPF, in the current Covid-19 phase and in recovery out of this pandemic, is ended.**
18. For the migrants we work most with: people seeking, granted or refused refugee protection, they are placed, generally whilst their asylum claim is finally determined, in a parallel and pitifully low asylum support system. This is not only morally indefensible but economically nonsensical<sup>19</sup>. **This is why the ban on people seeking asylum, from working should urgently be lifted**<sup>20</sup>. The Home Office will often say that this support system is separate from the NRPF regime. In a technical sense it is. But what is really going is that it is separate from social security and wider social protections generally, which we think is wrong and the bottom line is that those seeking refugee protection should have access to socio-economic rights of work, social security and housing, until their application is finally determined.
19. The asylum support system is in our analysis and experience, a pitifully poor one, with a depressingly perverse definition of “essential living needs”<sup>21</sup> which is in no way sufficient for a dignified life. If one is ultimately refused asylum, then they lose even that pitiful amount and are shunted by the Home office out of this asylum support system and typically straight into homelessness and the wider and grim NRPF regime again. For us, what is really going on here is the Home Office, persisting with a NRPF regime that is intended and is actually quite effective at making life more difficult for many migrants in the UK. The asylum support system is merely the ugly face of NRPF presented to

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<sup>19</sup> <https://capx.co/lifting-the-ban-on-asylum-seekers-working-is-common-sense-and-good-economics/>

<sup>20</sup> <https://www.refugee-action.org.uk/lift-the-ban/>

<sup>21</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/673545/Report\\_on\\_review\\_of\\_cash\\_allowance\\_paid\\_to\\_asylum\\_seekers\\_-\\_2017\\_-\\_final..pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/673545/Report_on_review_of_cash_allowance_paid_to_asylum_seekers_-_2017_-_final..pdf)

people seeking protection and safety in the UK, whilst their application is decided. The Home office often say there are proud of asylum support and the author has even heard some officials describe it as “gold-plated”. We regard such as indicative of a moral amnesia that is upsettingly and coldly understandable when read as consistent with Home Office detachment from the searing human impact of their policies. The Williams report into the Windrush scandal is relevant<sup>22</sup>.

20. Despite the welcome measures instituted by the Home Office at the start of lockdown, under the wider public health imperative, to a) suspend support cessations and evictions and b) to enable remote or paper-based access to the asylum procedure, most of these measures have now been withdrawn by a Home Office sadly determined to get back to its “business-as-usual”, precisely at a time when the Covid-19 pandemic was escalating and, in fact, had been endemic in many of the poorest areas and communities, which are commonly where people seeking asylum are housed by the Home Office and its commercial accommodation companies. So, for example, the Home Office announced on 15 September, with no apparent consultation or consent from local authorities or their Public Health Directors, that they were restarting evictions of refused asylum seekers. We are aware of these starting in Covid-19 “hotspots” such as Halifax, Manchester and other areas. As Glasgow City Council said recently, this is “unconscionable” action by the Home Office.
21. Our overarching sense is that Covid-19 has been adverse for refugee communities especially in terms of extensive social isolation, escalating mental health problems and more severe poverty. We published research - [The Impact of Covid-19 on Refugees and Refugee-Assisting Organisations in Scotland](#) – that detailed some of these impacts with the following standing out: a) one in three people with refugee status reported that their recent mental health had been poor or very poor; b) among those waiting for an asylum decision, that figure was higher, with 40% reporting poor or very poor mental health; c) many related their mental health feelings to loneliness and isolation: 37% of those in the asylum system surveyed said they had contact with friends or relatives just a few times a month; d) food poverty was severe: 70% of those surveyed said they did not have enough money to buy food and that this was a serious problem; and e) many organisations surveyed reported high levels of digital poverty and exclusion suffered across those seeking, granted and refused protection.
22. The wider point is that Covid-19 has exposed and aggravated – rather than instituted new – problems of pre-existing vulnerabilities and trauma and poverty amongst the asylum population in Glasgow and, indeed across the UK. It has reconfirmed the inadequacy of the Home Office asylum “support” system. Associated to this, is how the pandemic has exposed *pre-Covid-19 mismanagement* of the asylum procedure itself and the support and accommodation system<sup>23</sup>. Pre-Covid-19, the trend was more folk stuck in

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<sup>22</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/876336/6.5577\\_HO\\_Windrush\\_Lessons\\_Learned\\_Review\\_LoResFinal.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/876336/6.5577_HO_Windrush_Lessons_Learned_Review_LoResFinal.pdf)

<sup>23</sup> <https://www.nao.org.uk/report/asylum-accommodation-and-support/>

asylum “limbo” waiting at least 6months for even an initial decision<sup>24</sup> on their claim, through to a “support” package “priced” at ½ the social security minimum and then an accommodation estate riven<sup>25</sup> by poor-quality private housing, with room-sharing (esp., in London), HMOs and shared flats – and generally “packing people-in” – being the norm not the exception<sup>26</sup>.

23. So, this was an accommodation estate that had no contingency as we entered lockdown, which more than anything else accounts for the rapid increase in the use of institutional accommodation since lockdown – such as hitherto “hotels”<sup>27</sup>, repurposed detention centres<sup>28</sup> and military barracks<sup>29</sup> -, with this trend afoot before Covid-19 but the pace of that drift away from community dispersal model to an institutional accommodation regime<sup>30</sup>, quickening ever since. It is no accident that the commercial accommodation contractors – Mears, Serco and Clearsprings - across the UK, are holding onto much of this institutional accommodation, with three “hotels” still in use in Glasgow, 91 across the UK, with the institutional accommodation population now at 10,000 people from 2,500 pre-lockdown<sup>31</sup>.

24. As a refugee rights charity, we work across the international protection spectrum. Much of our work is in the asylum part on this spectrum. This reflects that Glasgow was the first asylum dispersal area in the UK, when that dispersal policy was instituted in 2000, and it has been the largest such area ever since, with 5,000 asylum seekers in the city, supported by the Home Office. Through our refugee integration, family and anti-destitution services, we see first-hand and daily the resilience of those seeking, granted or refused refugee protection. Sadly, we also witness the harm that the asylum system exerts on people, via its systematic denial of socio-economic rights: no right to work, no right to social security, no right to where you live, no right against homelessness and risk of detention, indefinitely.

25. In a real sense, the asylum support system contorts what should be a source of pride from any country, to help those in their time of greatest need. It was also a de facto and grim pilot to the UK Government’s shameful and

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<sup>24</sup> In December 2015, of 18,111 applicants waiting for an initial decision, 3,626 (20%) had been waiting for at least 6months. By December 2019, of 40,018 applicants awaiting their initial decision, 22,549 (56%) were waiting at least 6months. Since Covid-19 lockdown, unsurprisingly the numbers of people waiting for even an initial decision has risen further still – at end of June 2020 it was 38,756 (72%) – but the trend is pre-Covid-19.

<sup>25</sup> Home Affairs Committee asylum accommodation inquiry (December 2018); Independent Chief Inspector of Borders and Immigration asylum accommodation inspection (November 2018); and Home Affairs Committee asylum accommodation inquiry (January 2017).

<sup>26</sup> Paras.33-48

[https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/562/56205.htm#\\_idTextAnchor029](https://publications.parliament.uk/pa/cm5801/cmselect/cmhaff/562/56205.htm#_idTextAnchor029)

<sup>27</sup> <https://www.theguardian.com/uk-news/2020/apr/22/glasgow-asylum-seekers-told-to-pack-up-with-an-hours-notice>

<sup>28</sup> <https://www.theguardian.com/uk-news/2020/aug/18/yarls-wood-to-house-arrivals-from-small-boats-crossing-channel>

<sup>29</sup> <https://www.theguardian.com/uk-news/2020/oct/11/revealed-the-squalor-inside-ex-mod-camps-being-used-to-house-refugees>

<sup>30</sup> <https://politics.co.uk/comment-analysis/2020/08/26/defend-the-defenceless-we-can-t-let-the-home-office-restart>

<sup>31</sup> Q22-25 <https://committees.parliament.uk/oralevidence/958/default/>

unapologetic “hostile environment” programme, institutionalised and accelerated by the Immigration Acts in 2014 and 2016. These required State and non-State actors, such as health workers, teachers and landlords, to check migrants’ immigration status with many, to their credit, resisting such requirements. Such matters should be undertaken by Home Office immigration officials not professionals or lay people not trained or competent to do such work. As was predicted at the Bill stages of these legislation, some of it was racial discrimination, such as the “right to rent”<sup>32</sup> scheme.

26. Women, men and children are simply here to seek safety, peace of mind, and a semblance of normality in their lives again. They have suffered forced displacement and arduous, often exploitative migratory journeys. Too often they are met with a system mired in suspicion and control and surveillance and with pressure points of homelessness, especially for those refused asylum who are routinely rendered destitute in the UK. It is well known that, needlessly and in our experience quite disgracefully, destitution and homelessness are stock parts of successive UK government’s asylum policies.

27. The Equalities and Human Rights Committee (E&HRC) noted this in its Inquiry report, Hidden Lives New Beginnings<sup>33</sup>. It is a stark feature of this UK asylum system that once the substantive decision has been made, one has no more than a month and frequently less to leave their accommodation with the pitiful £39 per week asylum support stopped. Those recognised as refugees remain at risk of falling into destitution<sup>34</sup> and those refused are rendered such<sup>35</sup>. The human impact of this is grave, at times leading to conditions of desperation and mental health problems and even deaths, as well as acute vulnerability to exploitation and slavery, for people rendered destitute through the asylum process in Glasgow and indeed across the UK.

28. We have seen some of the tragic extremities of the severe and situational vulnerabilities that those in the asylum support system, and especially those shunted out of it, suffer, with people dying both in Glasgow<sup>36</sup> and in Manchester<sup>37</sup> since lockdown, with a further 16 people dying across the UK in the asylum system in the 6months leading up to lockdown in March this year. These tragedies have exposed that, again typically, the Home Office have no policy to handle deaths in asylum support and accommodation, with the

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<sup>32</sup> <https://www.jcwi.org.uk/news/court-of-appeal-agrees-that-the-right-to-rent-scheme-causes-racial-discrimination>

<sup>33</sup> <https://digitalpublications.parliament.scot/Committees/Report/EHRiC/2017/5/22/Hidden-Lives---New-Beginnings--Destitution--asylum-and-insecure-immigration-status-in-Scotland#Destitution-and-asylum>

<sup>34</sup> <https://www.redcross.org.uk/about-us/what-we-do/we-speak-up-for-change/improving-the-lives-of-refugees/refugee-move-on-period##> and <https://www.tandfonline.com/doi/full/10.1080/1369183X.2017.1341717>

<sup>35</sup> <https://digitalpublications.parliament.scot/Committees/Report/EHRiC/2017/5/22/Hidden-Lives---New-Beginnings--Destitution--asylum-and-insecure-immigration-status-in-Scotland#Number-of-people-who-are-destitute> and [https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/From\\_Pillar\\_to\\_Post\\_Report\\_2019.pdf](https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2019/10/From_Pillar_to_Post_Report_2019.pdf)

<sup>36</sup> <https://theferret.scot/revealed-16-asylum-seekers-died-six-months/>

<sup>37</sup> <https://www.theguardian.com/uk-news/2020/aug/23/yemeni-asylum-seeker-found-dead-in-manchester-hotel-room>



extent of their statements being *that they will not* contribute to either funeral costs or repatriation of the body<sup>38</sup>. **As it happens the Home Office do have a policy for deaths in immigration detention<sup>39</sup>, so it can be done and whilst we recommend a tailored policy for asylum support and accommodation, this policy gap needs filled and urgently.**

**29.** For all these reasons and the fact that three people in the asylum system have lost their lives in recent months in Glasgow, **we further reiterate<sup>40</sup> a) our full support to the Glasgow MPs' request<sup>41</sup> to the Lord Advocate that he use his discretionary power to initiate a Fatal Accident Inquiry into deaths and risks thereto of people in the asylum process in Glasgow. In that vein, the Home Office must also urgently b) complete and publish its evaluation<sup>42</sup> into the tragic events, deaths and wider practices by it and its contractors in the asylum support and accommodation system in Glasgow since lockdown started in March. This evaluation report should also c) be sent by the Immigration Minister, as was recently requested<sup>43</sup> in the UK Parliament, as a matter of urgency to the Lord Advocate, to inform his considerations on the said, potential Fatal Accident Inquiry.**

30. Winding back a little, from summer 2016 to 2017, we worked intensively with partners and the E&HRC to secure<sup>44</sup> and support what was, in our opinion, a landmark Inquiry on destitution in asylum and the wider immigration system in Scotland. This Inquiry report<sup>45</sup> and its recommendations were the direct catalyst for an overdue national acknowledgement in Scotland of (a) that the destitution of migrants was persistent and growing; (b) an acknowledgment and essential fresh commitment at the highest level in Scottish governance – so led by Scottish Ministers<sup>46</sup> and political leaders in CoSLA<sup>47</sup> – that whilst this violation was not caused by Scotland we still needed to act practically and concerted manner, as we could not wait or rely on UK government policy shifts, quite the contrary; and (c) that the need for a genuine and national effort against such a human rights violation was urgent as, at that time, (i) the UK Government's "hostile environment" programme was in its dreadful full

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<sup>38</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/817696/asylum-support-policy-bulletins-v8.0.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/817696/asylum-support-policy-bulletins-v8.0.pdf) and <https://www.thedetail.tv/articles/asylum-seeker-deaths>

<sup>39</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/909328/DSO\\_08\\_2014\\_Death\\_in\\_Detention\\_v6.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/909328/DSO_08_2014_Death_in_Detention_v6.pdf)

<sup>40</sup><https://www.scottishrefugeecouncil.org.uk/scottish-refugee-council-calls-for-full-and-independent-public-inquiry-into-park-inn-tragedy/>

<sup>41</sup><https://www.bbc.co.uk/news/uk-scotland-glasgow-west-54226239>

<sup>42</sup><https://www.paih.org/home-office-to-commission-an-evaluation-of-asylum-seeker-housing/>

<sup>43</sup><https://www.theyworkforyou.com/debates/?id=2020-09-28b.15.2>

<sup>44</sup>[https://www.parliament.scot/S5\\_Equal\\_Opps/Inquiries/Destitution\\_Asylum\\_Insecure\\_Immigration\\_revised\\_Call\\_for\\_Evidence\\_Final\\_20170224.pdf](https://www.parliament.scot/S5_Equal_Opps/Inquiries/Destitution_Asylum_Insecure_Immigration_revised_Call_for_Evidence_Final_20170224.pdf)

<sup>45</sup>[https://www.parliament.scot/S5\\_Equal\\_Opps/Reports/EHRiC\\_3rd\\_Report\\_2017.pdf](https://www.parliament.scot/S5_Equal_Opps/Reports/EHRiC_3rd_Report_2017.pdf)

<sup>46</sup>[https://www.parliament.scot/S5\\_Equal\\_Opps/Inquiries/Scottish\\_Government\\_Response\\_to\\_Hidden\\_Lives\\_New\\_Beginnings\\_20170721.pdf](https://www.parliament.scot/S5_Equal_Opps/Inquiries/Scottish_Government_Response_to_Hidden_Lives_New_Beginnings_20170721.pdf) and [https://www.parliament.scot/S5\\_Equal\\_Opps/Inquiries/20170807\\_Cab\\_Sec\\_to\\_Minister\\_for\\_Immigration.pdf](https://www.parliament.scot/S5_Equal_Opps/Inquiries/20170807_Cab_Sec_to_Minister_for_Immigration.pdf)

<sup>47</sup>[https://www.parliament.scot/S5\\_Equal\\_Opps/20180115\\_Response\\_from\\_COSLA\\_on\\_destitution\\_reccs.pdf](https://www.parliament.scot/S5_Equal_Opps/20180115_Response_from_COSLA_on_destitution_reccs.pdf)

swing; (ii) Windrush<sup>48</sup> was unfolding and but had not yet penetrated national consciousness; and (iii) the EU referendum process was placing undue and irresponsible and adverse political emphasis on migration. And, within that frame, escalating worries amongst migrants on their futures, notably many EU nationals<sup>49</sup> concerned about the Leave outcome.

31. The Hidden Lives New Beginnings report recommended many actions, all of which were vital, but for us it was its call for a Scottish strategy<sup>50</sup> against migrant destitution that is the most important. We are aware as anyone of the pitfalls of “strategies” especially if they lack political support, therefore resources and most damaging of all, when their mere existence gives a misleading appearance of action and priority where there is none. We were concerned about the delay in getting this Scottish strategy developed and implemented and we shared that with Scottish Ministers in 2017 and 2018. However, we do not have that concern now. We do see a serious commitment<sup>51</sup> in 2019 and throughout 2020 from Scottish Ministers and political leaders and officials within CoSLA to make this Scottish strategy a substantial and long-term and funded intervention to mitigate and prevent destitution of migrants in Scotland.

32. We say a bit more about that below, but suffice it to say that we are anticipating the publication of this Strategy before the next Scottish Parliament elections and note that much of its learning and priorities in its formation, have actually started to be implemented before and, in particular, since Covid-19 lockdown and restriction were instituted. The excellent work of the CoSLA migration partnership in its Covid-19 framework on anti-destitution<sup>52</sup> and public health-framed<sup>53</sup> and underlying<sup>54</sup> guidance on NRPF in a Covid-19 pandemic were early and insightful illustrations of the commitment, expertise and ability to collaborate with the third sector. Our view as now is the rapidity and quality of that response not only informed the Scottish response to Covid-19 as it affects migrants, it also showed the Scottish anti-destitution strategy in action before it has even being published. This gives confidence.

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<sup>48</sup> [https://www.freedomfromtorture.org/news/windrush-and-the-hostile-environment-all-you-need-to-know?gclid=CjwKCAjw\\_Y\\_8BRBiEiwA5MCBJiAurB3Aio42HLSfx\\_nFce1FmfWocxjtC8xoRg09Rc-PZFA9kV\\_UexoCGK4QAvD\\_BwE](https://www.freedomfromtorture.org/news/windrush-and-the-hostile-environment-all-you-need-to-know?gclid=CjwKCAjw_Y_8BRBiEiwA5MCBJiAurB3Aio42HLSfx_nFce1FmfWocxjtC8xoRg09Rc-PZFA9kV_UexoCGK4QAvD_BwE)

<sup>49</sup> [https://docs.wixstatic.com/ugd/Od3854\\_861a1394f575497b89c37415aad8e066.pdf](https://docs.wixstatic.com/ugd/Od3854_861a1394f575497b89c37415aad8e066.pdf)

<sup>50</sup> <https://digitalpublications.parliament.scot/Committees/Report/EHRiC/2017/5/22/Hidden-Lives---New-Beginnings--Destitution--asylum-and-insecure-immigration-status-in-Scotland#Conclusions-and-recommendation>

<sup>51</sup> p156,

<https://www.gov.scot/binaries/content/documents/govscot/publications/publication/2019/09/protecting-scotlands-future-governments-programme-scotland-2019-20/documents/governments-programme-scotland-2019-20/governments-programme-scotland-2019-20/govscot%3Adocument/governments-programme-scotland-2019-20.pdf>

<sup>52</sup> Section on No Recourse to Public Funds, [https://external.parliament.scot/S5\\_Equal\\_Opps/Minutes/COSLA\\_-\\_Formatted.pdf](https://external.parliament.scot/S5_Equal_Opps/Minutes/COSLA_-_Formatted.pdf)

<sup>53</sup> [http://www.migrationscotland.org.uk/uploads/Guidance%20Covid%2019%20Supporting%20People%20with%20NRPF%20200420\\_0.pdf](http://www.migrationscotland.org.uk/uploads/Guidance%20Covid%2019%20Supporting%20People%20with%20NRPF%20200420_0.pdf)

<sup>54</sup> <http://www.migrationscotland.org.uk/migrants-rights-entitlements/introduction/1-1-how-use-guidance>

33. The Hidden Lives New Beginnings report also reflected the E&HRC's deliberately practical focus on what Scotland "can do" via its devolved competences, services and resources. The Inquiry report, therefore, did not confine itself to, in our opinion, very justified critiques of pretty dreadful UK policy on immigration-related destitution, such as via especially the NRPF regime. Rather it broke new ground by concentrating many recommendations on Scottish agencies and what they could do together, via a national strategy and guidance etc., so harnessing the fuller power of collaboration across public and third sectors and communities. For us, that was and remains a *truly crucial shift* that must not be lost.
34. This focus on what we can do in Scotland, was not in any way motivated to give an undue or unfair focus on Scottish institutions, who are not the cause of many of problems suffered by migrants with insecure status and / or subject to the NRPF regime, but it was simply to hold the conviction that we cannot - certainly never from a genuine human rights perspective - confine or limit our anti-destitution work to legitimate critiques of UK policies. People affected by these policies, and the NRPF regime in particular, deserve better and our experience has been since the Inquiry report and responses to it, is that same intolerance is percolating in a practical and collaborative way within Scottish Government, CoSLA, the refugee *and* housing rights sector<sup>55</sup>, with the Ending Homelessness Together<sup>56</sup> agenda vital.
35. However, all of that said, matters are by no means perfect and there needs to be clear improvement – for instance – in how vulnerable migrants can practicably access local authority vulnerable persons' entitlement, but our overarching point is that Scotland has come a long way since summer 2016 and the genesis of the Hidden Lives New Beginning inquiry report a year later, in that now the country has started to seriously acknowledge the problem and, more importantly, start to take the political and practical steps to mitigate and prevent migrant destitution, including targeting NRPF itself. **We therefore warmly welcome this Committee taking such a close interest, and urge it to consider initiating a formal inquiry – given the huge impact of Covid-19 and the disproportionate effects of NRPF – in order that the progress against migrant destitution is not lost and, indeed, is strengthened.**
36. The wider policy push is that there is much that we can and we must do in Scotland to mitigate and even prevent this suffering. That humanitarian impulse was bolstered by a wider socio-economic imperative e.g. that UK-immigration-induced destitution was exerting and shunting<sup>57</sup> unfair and

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<sup>55</sup> <https://everyonehome.scot/pdf/route-map-2.pdf>

<sup>56</sup> pp41-43 and Actions 58-61,

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2020/10/ending-homelessness-together-updated-action-plan-september-2020/documents/ending-homelessness-together-updated-action-plan-october-2020/ending-homelessness-together-updated-action-plan-october-2020/govscot%3Adocument/ending-homelessness-together-updated-action-plan-october-2020.pdf>

<sup>57</sup> This structural problem, in the context of the Home Office's asylum dispersal and, therein, outsourced accommodation system, by the UK Parliament's Home Affairs Committee, in its frequent and recent inquiries in these matters, please refer to: (i) paras.140-142 institutional (asylum and detention) accommodation inquiry (July 2020); (ii) paras.79-80 and 89 asylum accommodation inquiry (December 2018); (iii) para.118 asylum accommodation inquiry (January 2017).

disproportionate costs and pressures on public and third sectors and communities, none of which were funded or, in respect of certain key services (such as local authority homelessness assistance and social security) ordinarily and lawfully able to provide these services to those subject to NRPF. In this socio-economic sense, the mischief was systemic responsibility and cost-shunting from UK policies, in this instance immigration and asylum policies but we see the same pattern in, for example, UK welfare or housing benefit policy.

37. By way of illustration, the Home Office via its outsourced accommodation contractor (from 2012-2019=Serco and 2019 to date=Mears), move people seeking asylum to Glasgow on a no-choice basis. This “dispersal” is heavily concentrated also to the north of England, the Midlands, and south Wales with multiple deprivation areas<sup>58</sup> being the companies’ areas of choice. Local authorities and services get no direct funding<sup>59</sup> in this dispersal programme. All of the Home Office resources (some £4billion over 10years) is distributed to its three accommodation contractors. There is no resource whatsoever, for councils to help those refused asylum and rendered destitute by the Home Office and its contractor. And, in this vein, it is crucial to note that this cost-shunting is replicated in the wider immigration system, whereby for example, local authorities pay out millions<sup>60</sup> to accommodate and support vulnerable migrants – especially families under Children’s legislation in Scotland and the rest of the UK, none of which is directly funded or compensated by the UK Government.
38. And, to be clear, those made destitute after being refused asylum are not typically subject to Enforced returns or Voluntary “assisted” return. In fact, only a small minority of Enforced removals are asylum-related with a downward trend from 2014 to date and Voluntary “assisted” returns across the UK are commonly in the low hundreds and, again, the trend is less especially since it was taken “in-house” by the Home Office from 2016. For example, only 313 of the 1852 Enforced returns in Q2 2019 were asylum-related. There were only 443 voluntary “assisted” returns in the same period, of which 215 were asylum-related<sup>61</sup>. Therefore, for the vast majority of people refused asylum across the UK, they are routinely rendered street homeless by the Home Office, which is an unacceptable and widespread practice, endangering their safety. This is but one aspect of the NRPF regime, but it illustrates the

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<sup>58</sup> Of the UK’s 382 councils, 35 accounted for 73% of asylum seekers on asylum support. These councils are in the poorest parts of the north of England, Yorkshire and Humber, the Midlands, Wales, and Glasgow. They have all suffered deep cuts to local services’ spending. The Scottish and Welsh governments mitigated these cuts in relation to those suffered in England, but the scale of reductions in England since 2010 are close to 25% with the severest cuts being generally associated with areas of multiple deprivation (for more details, please refer to – (i) for asylum dispersal association with multiple deprivation -

<https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/> and (ii) for cuts to local authority spending especially in England - <https://www.cam.ac.uk/research/news/austerity-cuts-twice-as-deep-in-england-as-rest-of-britain>

<sup>59</sup> This structural issue has been subject to frequent critique, most recently by the National Audit Office in its inspection into asylum accommodation and support (July 2020), please refer to para.4.8, p46 at <https://www.nao.org.uk/wp-content/uploads/2020/07/Asylum-accommodation-and-support.pdf>.

<sup>60</sup> <https://www.nrpfnetwork.org.uk/information-and-resources/policy/funding-for-councils>

<sup>61</sup> Returns table rt02q (volume 1), <https://www.gov.uk/government/publications/immigration-statistics-year-ending-june-2019/how-many-people-are-detained-or-returned#about-the-statistics>

deep irresponsibility and dishonesty of Home Office, which clearly risks safety. Those risks are of course magnified in the escalating pandemic and heightened further when the street homelessness is done to BAME groups in areas of multiple deprivation, and NRPF.

39. For years, a significant minority of those rendered street homeless, or subject to Enforced removals, or asked to engage with Voluntary “assisted” return schemes, have actually got valid protection claims. Home Office asylum decisions are not only, as was highlighted earlier, subject to lengthy delays. They are also frequently tainted with poor quality initial decisions that are overturned on appeal. From 2015 to 2019, for example, the positive grant rate uplift from initial and appeal stage ranged around 20% most years. So, in 2015, 37% of appeals resulted in grants and by 2019, the success rate was 44%<sup>62</sup>. That appellate success rate drives a consistent uplift from initial to final asylum grant rates. Recent uplifts are 40% to 59% (2015); 32% to 51% (2016); 29% to 47% (2017) and 42% to 56% (2018)<sup>63</sup>. Home office mismanagement of the asylum procedure, evidenced by this persistent slowness in making often incorrect initial decisions, increases what should be preventable pressures in the system. Individuals left in limbo, not allowed to work, with local authorities, communities and services bearing the brunt. Yet again, we are witnessing UK Government cost-shunting.
40. Given these structural problems in just the asylum part of NRPF, bearing down on already over-stretched devolved governments and local authorities and third sector services, it has never been more important for (a) those areas to collaborate and campaign together for either substantial revision of NRPF or ideally (b) that it is just scrapped altogether. Furthermore, (c) in a Scotland setting, the only sensible way to effectively mitigate immigration-induced destitution, grounded in the NRPF regime, is to collaborate with the public sector maximising its statutory responsibilities, channelling funds to the third sector lawfully and smartly, and then that third sector to steps-in with pilot interventions and with its innovation and flexibility. The Everyone Home Collective’s human rights Route-Map against migrant destitution<sup>64</sup> has been and will be especially important in defining the third sector contribution. It is positive this collaborative approach is named as the way that the Scottish anti-destitution strategy and Ending homelessness together plans will be delivered.
41. Thankfully, that is the structure and relationships that were forming before Covid-19, especially via the development of the closely-related Scottish anti-destitution strategy and Ending homelessness together action plans – and if anything which have accelerated since Covid-19. It is notable and welcome that Scottish Ministers and CoSLA political leaders, and some local authorities, have been able and willing to lead collaborative discussion and put significant funding in including for accommodation, legal and advocacy support and health interventions. Notable pilots that predated and, if anything

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<sup>62</sup> Asylum statistics (February 2020) at Asy\_D06 - Asylum appeals raised at the First-Tier Tribunal, Home Office

<sup>63</sup> Asylum statistics (August 2019) at Asy\_D04 – Outcome analysis of asylum applications

<sup>64</sup> <https://everyonehome.scot/pdf/route-map-2.pdf>

continued during Covid-19 responses, in the asylum space include: (a) continuation of the DASS<sup>65</sup> project; (b) the new Glasgow accommodation-based pathway<sup>66</sup> applying Housing First principles to asylum destitution; and (c) the Stop Lock Change Evictions Coalition<sup>67</sup> that matured into the Humanitarian Project<sup>68</sup>. Particularly encouraging has also been the continuing or emerging expert-by-experience groups: (a) Voices Network<sup>69</sup>, (b) lived experience being at the core of the wider Just Citizens project<sup>70</sup> and (c) the Refugees Ending Destitution that blends community development expertise at Govan Community Project with policy influencing at SRC, plus, finally, (d) the lived experience strand in the Everyone Home Collective's work.

42. In summary, the thread that goes through the above, is – in Scotland – there is a shared desire in the public and third sector agencies to not tolerate UK immigration-induced destitution as an unfortunate and devastating fact, but to do something about it, and to prevent or mitigate its worst effects. This response is not perfect but it is a far better one than the national vacuum of 2016 and we should not lose sight of this progress. Taking responsibility in these ways is a necessary condition for making inroads against destitution aggravated or caused by the NRPF regime. It is not a sufficient one. That entails accelerating the work to deliver a Scottish anti-destitution strategy, and test and scale up some of the new pilots in it. Alongside that, at the UK level, the need is simple: campaign to end NRPF. That is easier said than done but there is no alternative, we must work try as hard as we can.

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<sup>65</sup> <https://www.rst.org.uk/dass>

<sup>66</sup> <https://glasgownightshelter.org/about-us/>

<sup>67</sup> <https://www.scottishrefugeecouncil.org.uk/wp-content/uploads/2020/01/Stop-Lock-Changes-FINAL-VERSION.pdf>

<sup>68</sup> <https://www.gov.scot/news/supporting-asylum-seekers-1/>

<sup>69</sup> <https://www.redcross.org.uk/about-us/what-we-do/how-we-support-refugees/avail-project##>

<sup>70</sup> <https://www.justrightscotland.org.uk/our-work/justright-for-all/rethinking-citizenship/>